

THIRTEENTH DAY

(Monday, October 2, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hughes.
Adamson.	Hunt.
Aikin.	Hyder.
Alexander.	Jackson.
Anderson.	James.
Baker.	Jefferson.
Barrett.	Johnson
Barron.	of Anderson.
Beck.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Bradley.	Jones of Shelby.
Burns.	Kyle of Palo Pinto.
Butler.	Laird.
Camp.	Latham.
Canon.	Lemens.
Cathey.	Lindsey.
Caven.	Long.
Celaya.	Lotief.
Chastain.	Mackay.
Clayton.	Magee.
Colson.	Mathis.
Coombes.	McClain.
Cowley.	McCullough.
Crossley.	McDougald.
Daniel.	McGregor.
Davidson.	McKee.
Dean.	Merritt.
Dunlap.	Metcalfe.
Dunagan.	Mitcham.
Duvall.	Moffett.
Dwyer.	Moore.
Engelhard.	Morrison.
Fain.	Morse.
Fisher.	Munson.
Ford.	Nicholson.
Fuchs.	Parkhouse.
Glass.	Patterson.
Golson.	Pavlica.
Good.	Pope.
Goodman.	Puryear.
Graves.	Ramsey.
Greathouse.	Ratliff.
Griffith.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Hartzog.	Renfro.
Head.	Riddle.
Hester.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Ross.
Holland.	Russell.
Hoskins.	Savage.
Huddleston.	Scarborough.

Scott.	Townsend.
Shannon.	Turlington.
Shults.	Van Zandt.
Smith.	Vaughan.
Stanfield.	Wagstaff.
Stinson.	Walker.
Stovall.	Weinert.
Sullivant.	Wells.
Tarwater.	Winningham.
Tennyson.	Wood.
Thomas.	Young.

Absent

Devall.	Leonard.
Harrison.	

Absent—Excused

Alsup.	Kayton.
Bedford.	Kyle of Hays.
Calvert.	Palmer.
Few.	Steward.
Holloway.	Stubbeman.
Johnson	Tillery.
of Dimmit.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Palmer for today, on motion of Mr. Butler.

Mr. Tillery for today, on motion of Mr. Huddleston.

Mr. Stubbeman for today, on motion of Mr. Scott.

Mr. Holloway for today, on motion of Mr. Latham.

Mr. Kyle of Hays for today, on motion of Mr. Aikin.

Mr. Steward for today, on motion of Mr. Ross.

Mr. Alsup for today, on motion of Mr. Fisher.

Mr. Bedford for today, on motion of Mr. Tennyson.

Mr. Calvert for today, on motion of Mr. Parkhouse.

The following Members were granted leaves of absence on account of illness:

Mr. Johnson of Dimmit for this week, on motion of Mr. Ford.

Mr. Few for today, on motion of Mr. Puryear.

Mr. Kayton for today and the balance of the week, on motion of Mr. Anderson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bourne:

H. B. No. 110, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two-inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Harman:

H. B. No. 111, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps, and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-34 and 1934-35, to be paid out of interest earned on the daily balances of 'paying fund of the board of county and district road indebtedness,' and declaring an emergency."

Referred to Committee on Appropriations.

PROVIDING FOR THE RETURN OF
HOUSE JOINT RESOLUTION
NO. 1 FROM THE SENATE

Mr. Rogers of Ochiltree offered the following resolution:

Whereas, House Joint Resolution No. 1 has not passed the House finally; and

Whereas, House Joint Resolution No. 1 was sent to the Senate through error; now, therefore, be it

Resolved by the House, That the Senate be requested to return to the House, for further consideration, House Joint Resolution No. 1.

The resolution was read second time, and was adopted.

EXPRESSING APPRECIATION TO
MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Laredo, Texas, September 28, 1933.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives, Austin, Texas.

My dear Mrs. Phinney:

I have the honor to acknowledge receipt of certified copy of House Concurrent Resolution No. 1, adopted by the House of Representatives on September 14, and by the Senate September 15, relating to the death of my beloved brother, Judge Daniel Franklin Bobbitt.

This action by the Legislature, inspired, I am sure, by those Members of the Legislature who studied under my brother at the University of Texas and in whose welfare he was always deeply interested, is most sincerely appreciated by each and every member of the family.

Those of us who knew Frank best had, of course, intimate knowledge of his devotion to the profession and his work at the University of Texas, and of his genuine interest in the welfare and success of the men who studied under him, as well as his desire and efforts to contribute to the welfare of his government.

It is indeed gratifying to have, through the expressions contained in this resolution, definite knowledge of the fact that others knew and appreciated his efforts and desires along the lines mentioned.

In asking that you express to the Members of the House of Representatives our sincere appreciation of this action on the part of the Members, I am complying with the request and expressing the sentiment of each and every member of the family.

Very sincerely yours,

ROBERT LEE BOBBITT.

HOUSE BILL NO. 4 ORDERED
PRINTED

Mr. Lotief moved that House Bill No. 4 be withdrawn from the Committee on Judiciary, and referred to the Committee on Live Stock and Stock Raising.

Mrs. Hughes raised a point of order on further consideration of the motion, on the ground that the bill has already been considered by the Judiciary Committee, and a report made to the House.

The Speaker sustained the point of order.

Mr. Lotief then moved that House Bill No. 4, reported adversely, with a majority favorable report, be printed.

Question recurring on the motion, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—60

Adamson.	Jones of Shelby.
Aikin.	Laird.
Bradley.	Latham.
Burns.	Lotief.
Butler.	Mackay.
Canon.	McClain.
Chastain.	Merritt.
Clayton.	Metcalfe.
Crossley.	Morrison.
Daniel.	Puryear.
Dunagan.	Reed of Bowie.
Fain.	Rogers of Hunt.
Fisher.	Rollins.
Fuchs.	Russell.
Glass.	Scott.
Golson.	Shannon.
Graves.	Shults.
Greathouse.	Smith.
Harman.	Stovall.
Harris.	Sullivant.
Head.	Tarwater.
Hicks.	Tennyson.
Hodges.	Townsend.
Holekamp.	Turlington.
Holland.	Vaughan.
Hoskins.	Walker.
Huddleston.	Wells.
James.	Winningham.
Jones of Atascosa.	Wood.
Jones of Runnels.	Young.

Nays—47

Alexander.	Moffett.
Anderson.	Moore.
Baker.	Morse.
Barrett.	Munson.
Barron.	Nicholson.
Bourne.	Parkhouse.
Celaya.	Patterson.
Dean.	Pavlica.
Duvall.	Ratliff.
Engelhard.	Ray.
Ford.	Reed of Dallas.
Hankamer.	Renfro.
Hill of Brazoria.	Roberts.
Hill of Webb.	Rogers
Hughes.	of Ochiltree.
Hyder.	Ross.
Jackson.	Savage.
Jefferson.	Scarborough.
Johnson	Stanfield.
of Anderson.	Stinson.
Lemens.	Thomas.
Mathis.	Van Zandt.
McCullough.	Wagstaff.
McDougald.	Weinert.
Mitcham.	

Present—Not Voting

Goodman.

Riddle.

Absent

Beck.	Harrison.
Camp.	Hartzog.
Cathey.	Hunt.
Caven.	Kyle of Palo Pinto.
Colson.	Leonard.
Coombes.	Lindsey.
Cowley.	Long.
Davidson.	Magee.
Devall.	McGregor.
Dunlap.	McKee.
Dwyer.	Pope.
Good.	Ramsey.
Griffith.	Reader.

Absent—Excused

Alsup.	Kayton.
Bedford.	Kyle of Hays.
Calvert.	Palmer.
Few.	Steward.
Hester.	Stubbeman.
Holloway.	Tillery.
Johnson of Dimmit.	

BILLS ORDERED NOT PRINTED

On motion of Mr. Latham, House Bills Nos. 88 and 101 were ordered not printed.

On motion of Mr. Jones of Atascosa, House Bill No. 103 was ordered not printed.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following messages from the Governor:

Executive Office,

Austin, Texas, September 30, 1933.

To the Forty-third Legislature in First Called Session:

By request of Senator Regan, I herewith submit for your consideration the question of including Upton County to come under the law that prohibits live stock running at large.

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,

Austin, Texas, September 30, 1933.

To the Forty-third Legislature in First Called Session:

By request of Representative Tillery and others, I herewith submit for your consideration a bill to be entitled "An Act amending Article 7046,

of the Revised Civil Statutes of the State of Texas for 1925, providing a poll tax of one dollar shall be collected on every person between the ages of 21 and 60 years; making certain exceptions, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request, I herewith submit for your consideration a bill hereto attached, to be entitled "An Act to regulate the occupation of hair dressers and cosmetologists, to create a State Board of Hair Dressers and Cosmetologists for the licensing of persons, firms, co-partnerships, associations, or corporations to carry on and to teach such practices, and other purposes fully set forth in the said bill."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

I herewith submit for your consideration a bill to be entitled "An Act making appropriation to reimburse growers and producers of cotton for expenses incurred during the years of 1929 through 1932 by reason of the establishment by the State of Texas of regulations requiring said growers and producers to pay for fumigation of cotton and sterilization of seed, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

I herewith submit for your consideration a bill hereto attached, to be entitled "An Act amending Articles 2702, 2703, and 2724, of Revised Civil Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request of Senator Woodul, I herewith submit for your consideration a bill hereto attached, to be entitled "An Act to amend Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, by adding thereto a Section, to be known as Section 7-a, and other purposes set forth in said bill."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request of a majority of the House, I hereby submit for your consideration a bill hereto attached, to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants, and treasury warrants heretofore issued, or authorized to be issued, and attempted to be issued by any and all cities under charters adopted and amended under provisions of Article XI, Section 5, of the Constitution of Texas.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request of Senator Duggan, and Senator Regan, and other Members of the Legislature, I herewith submit for your consideration a bill hereto attached, to be entitled "An Act amending Chapter 76, Acts of the Regular Session of the Forty-third Legislature, and providing for the government of water power control districts and water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and other purposes set forth in said bill, and declaring an emergency."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request of Representative Engelhard and other Members of the House, I hereby submit for your consideration a bill hereto attached, to be entitled "An Act providing for the governing bodies of all cities, towns, and villages operating under Title 28, of the Revised Civil Statutes of Texas of 1925, and in addition to the powers they now have, the power to establish or erect warehouses and elevators for the storage of agricultural products."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, September 30, 1933.
To the Forty-third Legislature in First
Called Session:

By request of Representative Bradley, I herewith submit for your consideration a bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, and other Acts fully set forth in said bill."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, October 2, 1933.
To the Forty-third Legislature in First
Called Session:

By request of various county school superintendents in Texas, I hereby submit for your consideration the bill hereto attached, to be entitled "An Act amending Article 2688, Title 49, Chapter 11, of the Revised Statutes of 1925, pertaining to the office of county superintendent of public instruction and the tenure of their office."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 2, 1933.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 11, A bill to be entitled "An Act amending the provisions of Article 2968, Revised Civil Statutes

of Texas, 1925, as amended by House Bill No. 128, Chapter 26, of the Fifth Called Session of the Forty-first Legislature."

H. B. No. 34, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State, in all counties having an area of not more than three thousand eight hundred (3,800) square miles and not less than three thousand six hundred (3,600) square miles and a population of not less than nine thousand and eight hundred (9,800) and not more than twelve thousand (12,000), according to the last Federal Census, authorizing them to condemn land for school purposes; etc.; and declaring an emergency." (With amendments.)

H. B. No. 52, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill, any wild quail of any species for a period of five (5) years in Gaines County, Texas; fixing penalty, and declaring an emergency."

The Senate has concurred in House amendments to Senate Bill No. 13 by the following vote: Yeas, 26; nays, 0.

Respectfully,
BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 13, A bill to be entitled "An Act prescribing additional powers and duties of the commissioners court in certain counties; etc., and declaring an emergency."

RELATIVE TO THE SUPPORT OF THE FIREMEN'S TRAINING SCHOOL AT A. & M.

Mr. Jones of Runnels offered the following resolution:

H. C. R. No. 20, Relative to appropriation for firemen's training school.

Whereas, By Chapter 215, Acts of the Regular Session, Forty-third Legislature, the Legislature of the State of Texas made an appropriation in the sum of four thousand dollars (\$4,000) annually for the "support and maintenance" of the firemen's training school at the Agricultural and Mechanical College of Texas; and,

Whereas, A question has been raised as to whether the funds so appropriated may be used for the purpose of employing a person whose duties it would be to provide regular schedules of training for the various volunteer fire departments and fire marshals of cities and towns of the State of Texas, and to make trips of inspection and instruction to the various cities and towns of the State having volunteer fire departments; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That it is and it was the intention of the Legislature of the State of Texas that the funds set aside in the appropriation above-mentioned should be used in part for the payment of the salary and traveling expenses of a person to be employed by the Board of Directors of the Agricultural and Mechanical College of Texas to carry out a schedule and program of training and inspection of the various volunteer fire department of the State, adopted by the Board of Directors of said school, and it is, therefore further

Resolved, That said funds appropriated by the Forty-third Legislature at its Regular Session may be used in part for the purposes hereinabove enumerated.

JONES of Runnels,
LINDSEY,
GLASS,
METCALFE.

The resolution was read second time.

Mr. Scott moved that the resolution be referred to the Committee on Appropriations.

Mr. Burns moved to table the motion to refer the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—81

Aikin.	Colson.
Alexander.	Cowley.
Anderson.	Crossley.
Barrett.	Daniel.
Bourne.	Dean.
Bradley.	Dwyer.
Burns.	Ford.
Butler.	Fuchs.
Camp.	Glass.
Caven.	Goodman.
Chastain.	Graves.
Clayton.	Greathouse.

Griffith.	Moore.
Hankamer.	Morrison.
Harris.	Morse.
Hartzog.	Munson.
Hill of Brazoria.	Patterson.
Hodges.	Pavlica.
Holekamp.	Puryear.
Holland.	Ratliff.
Hughes.	Ray.
Hunt.	Reed of Dallas.
Jackson.	Renfro.
James.	Riddle.
Johnson	Roberts.
of Anderson.	Ross.
Jones of Runnels.	Scarborough.
Jones of Shelby.	Smith.
Kyle of Palo Pinto.	Stanfield.
Laird.	Stovall.
Latham.	Sullivant.
Lindsey.	Tarwater.
Lotief.	Thomas.
Mackay.	Townsend.
Magee.	Turlington.
Mathis.	Van Zandt.
McClain.	Wagstaff.
McCullough.	Walker.
McDougald.	Weinert.
Metcalfe.	Wood.
Moffett.	Young.

Nays—34

Adamson.	Merritt.
Baker.	Mitcham.
Canon.	Nicholson.
Cathey.	Reed of Bowie.
Celaya.	Rogers of Hunt.
Dunagan.	Rollins.
Engelhard.	Russell.
Fain.	Savage.
Fisher.	Scott.
Golson.	Shannon.
Good.	Shults.
Harman.	Steward.
Hicks.	Stinson.
Hoskins.	Tennyson.
Huddleston.	Vaughan.
Hyder.	Wells.
Jones of Atascosa.	Winningham.

Absent

Barron.	Jefferson.
Beck.	Lemens.
Coombes.	Leonard.
Davidson.	Long.
Devall.	McGregor.
Dunlap.	McKee.
Duvall.	Parkhouse.
Harrison.	Pope.
Head.	Ramsey.
Hester.	Reader.
Hill of Webb.	Rogers of Ochiltree.

Absent—Excused

Alsup.	Few.
Bedford.	Holloway.
Calvert.	Johnson of Dimmit.

Kayton. Stubbeman.
 Kyle of Hays. Tillery.
 Palmer.

Question then recurring on the resolution, it was adopted.

TO GRANT H. J. HETKES COMPANY PERMISSION TO SUE THE STATE

Mr. Bedford offered the following resolution:

H. C. R. No. 21, To grant H. J. Hetkes permission to sue the State.

Whereas, On or about May 9, 1929, the State Highway Commission of Texas made and entered into a contract with H. J. Hetkes Company, for the grading, erection of drainage structures, and concrete pavement of a road in Galveston County, Texas, being Job No. 85-J, as per plans designated by State Aid Project No. 853; and

Whereas, By virtue of said contract, plans, and specifications, and the requirements of said Highway Commission of Texas and the State of Texas and its agents and employes, controversy has arisen concerning the balance due said H. J. Hetkes Company under said contract, plans, and specifications, and requirements, and the said H. J. Hetkes Company desires that said controversy be submitted to a court for judicial ascertainment of the balance due said firm, if any, and to have the amount fixed, if any; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said H. J. Hetkes Company, or its assigns, be, and it is hereby, authorized to sue the State Highway Department of Texas and the State of Texas for such amount as said firm of H. J. Hetkes may be entitled to recover under and by virtue of said contract, plans, and specifications, and requirements of said Highway Commission of the State of Texas and its agents and employes.

That any party to said suit shall have the right of appeal, and any judgment finally established against the State and the State Highway Commission of Texas shall be a liquidated debt which shall be paid by the Highway Commission of the State of Texas out of the Highway Building Funds of the State of Texas. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

The resolution was read second time, and, on motion of Mr. James, was referred to the Committee on State Affairs.

GRANTING W. A. MORGAN PERMISSION TO SUE THE STATE

Mr. Hyder offered the following resolution:

H. C. R. No. 22, Granting W. A. Morgan permission to bring suit against the State of Texas and the State Highway Commission.

Whereas, In the years 1930, 1931, and perhaps part of 1932, one or all of the said years, the State Highway Department constructed, or caused to be constructed, on and across the lands of W. A. Morgan, in Denton County, Texas, a high embankment, and high dump, and several sluices, ditches, drains, and culverts on what is known as the State and National Highway, through Lewisville, Denton County, Texas, and on what is commonly called and known thereon as the "Lewisville Gap," in order to make what said Highway Commission deemed a suitable dump, and a suitable culvert, and proper drainage, on said highway; and

Whereas, The said W. A. Morgan alleges that by the construction of said dump, ditches, culvert, and the several ditches, and drainage, and bringing the water for a long way, and changing the natural source thereof of several ditches and drainage passages, the surface water was caused to be diverted from its natural sources and run onto and across the lands of the said W. A. Morgan, and damaged his said premises thereby; and

Whereas, Said State Highway Department, as aforesaid, is prohibited under the Constitution and laws of this State from paying the said W. A. Morgan, his alleged damages; and

Whereas, The said W. A. Morgan, is desirous to bring suit to establish his said damages, in fact has a suit now pending in the District Court of Denton, County, Texas, for said damages; and whereas, the District Court of Denton County has intimated that he will hold that the State of Texas, by and through its State Highway Commission, if any one is liable and not the County of Denton, and which necessitates the making of the said State Highway Commission a party to this suit, it being a proper and necessary party to said suit; and

whereas, he wishes to litigate this his said suit to a final conclusion by reason of said damages; therefore, be it

Resolved by the House of Representatives, the State Senate of Texas concurring, That the said W. A. Morgan, be, and he is hereby, granted permission to bring suit against the State, or said Highway Commission, and join it in said suit, styled W. A. Morgan vs. Denton County, Texas, which said suit is now pending in the District Court of Denton County, Texas, it being a court of competent jurisdiction, in order to determine the compensation, if any, the said W. A. Morgan, is entitled to recover by reason of his said damages, if any; and be it further

Resolved, That service of all necessary process may be served or had upon the said State Highway Commission and the Attorney General with the same force and effect as in all other civil cases.

The resolution was read second time, and, on motion of Mr. James, was referred to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, October 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 12, Urging the citizens of Texas to recognize October 12 as Columbus Day, and to observe such as a patriotic duty to the memory of Christopher Columbus.

Resolution. Requesting the Senate to return to the House House Joint Resolution No. 1 for further consideration.

Respectfully,
BOB BARKER,
Secretary of the Senate.

REQUESTING GOVERNOR TO SUBMIT CERTAIN SUBJECT

Mr. Engelhard offered the following resolution:

H. C. R. No. 23, Requesting Governor to submit certain subject.

Whereas, House Bill No. 231, passed at the Regular Session of the Forty-

third Legislature, providing for the delay of order of sale or execution of mortgaged property under certain conditions is effective for only one hundred and eighty (180) days, or until October 27; and

Whereas, Many honest debtors are still in danger of losing their property under foreclosure because of their inability to pay at this time; and

Whereas, Certain sections of the State, due to the calamities of drouth, flood, wind, and other natural causes, are in a worse condition than heretofore, and whole sections will be unable to meet their payments; and

Whereas, Because of these conditions, after the expiration of the law, many sales are likely; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we do respectfully request the Governor to submit to the Legislature the re-enactment of House Bill No. 231, so as to continue the benefits to be secured therefrom.

ENGELHARD,
ROGERS of Ochiltree,
DWYER,
GREATHOUSE.

The resolution was read second time, and was adopted.

RELATIVE TO COLUMBUS DAY

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 12, Relative to Columbus Day.

Whereas, On October 14, 1492, Christopher Columbus, an Italian subject, due to his perseverance, energy, intellect, and bravery, discovered the New World; and

Whereas, In this good year nineteen hundred and thirty-three, the Italian people, descendants of Columbus and his brothers of years gone by, have honored these United States by officially sending over here their honored son, General Etalio Balboa and his armada of airships in a spectacular flight; and

Whereas, We have in Texas many good citizens of Italian extraction who have fought for us and who are helping to make this country a better place to live, and whose children are now students in many of our public schools throughout the State; and

Whereas, By statutory law of this State, October 12 is a legal holiday; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That we urge upon all the people of Texas that they befittingly observe October 12 as Columbus Day this year, and we urge upon all school boards, municipalities, and other branches of the Government, that they befittingly recognize this day by proper exercises, both as a patriotic duty due to the memory of Christopher Columbus and his heroic band, and as a further token of our appreciation of the compliment paid this country by General Balboa and his intrepid followers.

The resolution was read second time.

Mr. Anderson asked unanimous consent of the House that the names of all the Members of the House who so desire be added to the resolution as signers thereof.

There was no objection offered, and it was so ordered.

Mr. Savage offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 12 by changing "October 14, 1492," in the first line, to "October 12, 1492."

The amendment was adopted.

The resolution as amended was then adopted.

(Mr. Alexander in the Chair.)

RELATIVE TO VIOLATION OF THE ANTI-NEPOTISM LAW

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 7, Relative to the violation of Anti-Nepotism Law;

The resolution having heretofore been read second time, and referred to the Committee on Appropriations;

The Committee on Appropriations having recommended the adoption of the resolution, with the following committee amendment:

Whereas, Under the Anti-Nepotism Laws of the State of Texas, it is unlawful for any person having appointive power in the State or county governments to employ any relative within the third degree of relationship to him, either by consanguinity or affinity; and

Whereas, It is commonly believed and talked throughout the State that certain department heads and the heads of institutions of the State Government of Texas have, by a system known as "the swapping of jobs," made provision for their near relatives in other departments than their own in consideration of the employment in their own departments of near relatives of the heads of those other departments; and

Whereas, If this condition does exist, it is a violation of the spirit of the law, if not the letter of the law, and the Legislature should take immediate steps to so correct the law as to eliminate such practices; and

Whereas, If such charges are untrue, the heads of the departments are unjustly charged and should be cleared of such charge; and now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Speaker of the House appoint three House Members, and the President of the Senate appoint two Members of the Senate, who shall select one of their number as chairman, to administer oaths, and with authority to bring before said committee the heads of any departments, or other witnesses, without pay, to testify and give information and names of parties holding positions in their respective departments who are related by blood or marriage to any person who has the power of appointment or if there are other violations of the Anti-Nepotism Laws of the State of Texas existing in their said respective departments.

The committee amendment was adopted.

Question recurring on the resolution as amended, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—90

Adamson.	Clayton.
Aikin.	Colson.
Anderson.	Dean.
Baker.	Duvall.
Barrett.	Fain.
Barron.	Fisher.
Beck.	Fuchs.
Bourne.	Glass.
Camp.	Golson.
Canon.	Good.
Cathey.	Goodman.
Chastain.	Graves.

Greathouse.	Munson.
Hankamer.	Patterson.
Harris.	Pavlica.
Hartzog.	Puryear.
Hester.	Ratliff.
Hicks.	Ray.
Hodges.	Reader.
Holekamp.	Reed of Bowie.
Holland.	Reed of Dallas.
Huddleston.	Renfro.
Hughes.	Riddle.
Hunt.	Roberts.
Hyder.	Rogers of Hunt.
James.	Rogers
Johnson	of Ochiltree.
of Anderson.	Rollins.
Jones of Runnels.	Russell.
Jones of Shelby.	Scott.
Kyle of Palo Pinto.	Shannon.
Latham.	Shults.
Long.	Smith.
Lotief.	Stanfield.
Mackay.	Stinson.
Magee.	Stovall.
Mathis.	Tarwater.
McDougald.	Thomas.
McKee.	Turlington.
Merritt.	Van Zandt.
Metcalf.	Vaughan.
Mitcham.	Walker.
Moffett.	Wells.
Moore.	Winningham.
Morrison.	Wood.
Morse.	Young.

Nays—6

Hill of Webb.	Ross.
Jackson.	Scarborough.
Lemens.	Sullivant.

Absent

Alexander.	Hill of Brazoria.
Bradley.	Hoskins.
Burns.	Jefferson.
Butler.	Jones of Atascosa.
Caven.	Laird.
Celaya.	Leonard.
Coombes.	Lindsey.
Crossley.	McClain.
Daniel.	McCullough.
Davidson.	McGregor.
Devall.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Pope.
Dwyer.	Ramsey.
Engelhard.	Savage.
Ford.	Tennyson.
Griffith.	Townsend.
Harman.	Wagstaff.
Harrison.	Weinert.
Head.	

Absent—Excused

Alsup.	Cowley.
Bedford.	Few.
Calvert.	Holloway.

Johnson	Palmer.
of Dimmit.	Steward.
Kayton.	Stubbeman.
Kyle of Hays.	Tillery.

Mr. Van Zandt raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Russell moved a call of the House, for the purpose of securing and maintaining a quorum until 12 o'clock m., today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no Member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Russell, the Sergeant-at-Arms was instructed to bring in all absent Members within the city who are not ill.

A quorum was announced present.

Mr. Hoskins moved to reconsider the vote by which the call of the House was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the call of the House, it was lost.

Mr. Mitcham moved that further consideration of House Concurrent Resolution No. 7 be postponed until tomorrow.

The motion to postpone the resolution prevailed by the following vote:

Yeas—54

Barrett.	Johnson
Bourne.	of Anderson.
Burns.	Jones of Runnels.
Camp.	Kyle of Palo Pinto.
Clayton.	Laird.
Cowley.	Lemens.
Davidson.	Long.
Ford.	Magee.
Fuchs.	Merritt.
Glass.	Metcalf.
Golson.	Mitcham.
Graves.	Moffett.
Hankamer.	Moore.
Hill of Webb.	Morrison.
Hodges.	Morse.
Holekamp.	Patterson.
Holland.	Ratliff.
Hughes.	Reed of Bowie.
Jackson.	Renfro.

Roberts.	Sullivant.
Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Walker.
Ross.	Weinert.
Scarborough.	Wells.
Shannon.	Winningham.
Shults.	Wood.
Stinson.	Young.

Nays—53

Adamson.	Jones of Shelby.
Aikin.	Latham.
Baker.	Lindsey.
Beck.	Lotief.
Canon.	Mackay.
Cathey.	Mathis.
Chastain.	McClain.
Colson.	McCullough.
Coombes.	McDougald.
Crossley.	Pavlica.
Dean.	Puryear.
Dunagan.	Ray.
Fain.	Reader.
Fisher.	Rollins.
Good.	Russell.
Goodman.	Savage.
Greathouse.	Scott.
Harman.	Smith.
Harris.	Stanfield.
Hester.	Stovall.
Hicks.	Thomas.
Hill of Brazoria.	Townsend.
Huddleston.	Turlington.
Hunt.	Van Zandt.
Hyder.	Vaughan.
James.	Wagstaff.
Jones of Atascosa.	

Absent

Alexander.	Hartzog.
Anderson.	Head.
Barron.	Hoskins.
Bradley.	Jefferson.
Butler.	Leonard.
Caven.	McGregor.
Celaya.	McKee.
Daniel.	Munson.
Devall.	Nicholson.
Dunlap.	Parkhouse.
Duvall.	Pope.
Dwyer.	Ramsey.
Engelhard.	Reed of Dallas.
Griffith.	Riddle.
Harrison.	

Absent—Excused

Alsup.	Kayton.
Bedford.	Kyle of Hays.
Calvert.	Palmer.
Few.	Steward.
Holloway.	Stubbeman.
Johnson	Tillery.
of Dimmit.	

HOUSE BILL NO. 51 ON SECOND READING

Mr. Patterson moved that the Twenty-four-hour House Rule, relative to the consideration of printed bills, be suspended, for the purpose of considering, at this time, House Bill No. 51.

The motion prevailed.

On motion of Mr. McGregor, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 51, A bill to be entitled "An Act declaring the public policy of the State with respect to the insurance of deposits in State banks and State bank and trust companies; creating the 'bank deposit insurance company' as a means of carrying out that policy; defining the powers, duties, and privileges of said corporation; etc., and providing for an emergency."

The Speaker laid the bill before the House, and it was read second time.

Question—Shall House Bill No. 51 pass to engrossment?

HOUSE BILL NO. 94 ON SECOND READING

On motion of Mr. Moore, the Twenty-four-hour House Rule, relative to the consideration of printed bills, was suspended, to take up, for consideration at this time, House Bill No. 94.

On motion of Mr. Moore (by unanimous consent), the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 94, A bill to be entitled "An Act defining 'daily newspapers' or 'newspaper,' 'consecutive days' or 'successive days,' and words of similar meaning, within the meaning of any law, city charter, or ordinance, or any Act of the Legislature creating any independent school district or any other municipal corporation; etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Moore offered the following amendment to the bill:

Amend House Bill No. 94 by striking out all of Section 2.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 94 was then passed to engrossment.

HOUSE BILL NO. 94 ON THIRD READING

Mr. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 94 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Hodges.
Aikin.	Holekamp.
Anderson.	Holland.
Baker.	Hoskins.
Barrett.	Huddleston.
Barron.	Hughes.
Beck.	Hunt.
Bourne.	Hyder.
Bradley.	Jackson.
Burns.	James.
Butler.	Jefferson.
Canon.	Johnson
Cathey.	of Anderson.
Caven.	Jones of Atascosa.
Chastain.	Jones of Runnels.
Clayton.	Kyle of Palo Pinto.
Colson.	Laird.
Coombes.	Latham.
Cowley.	Long.
Daniel.	Lotief.
Davidson.	Mackay.
Dean.	Magee.
Dunlap.	Mathis.
Dunagan.	McCullough.
Duvall.	McDougald.
Fain.	Merritt.
Fisher.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Good.	Morrison.
Goodman.	Morse.
Graves.	Munson.
Greathouse.	Patterson.
Griffith.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ramsey.
Hartzog.	Ratliff.
Head.	Reed of Bowie.
Hester.	Reed of Dallas.
Hill of Webb.	Renfro.

Riddle.	Stovall.
Roberts.	Sullivant.
Rogers of Hunt.	Tarwater.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Shannon.	Walker.
Shults.	Wells.
Smith.	Wood.
Stanfield.	Young.
Stinson.	

Nays—3

Crossley.	Ray.
Lindsey.	

Absent

Alexander.	Lemens.
Camp.	Leonard.
Celaya.	McClain.
Devall.	McGregor.
Dwyer.	McKee.
Engelhard.	Nicholson.
Golson.	Parkhouse.
Harrison.	Reader.
Hicks.	Scott.
Hill of Brazoria.	Weinert.
Jones of Shelby.	Winningham.

Absent—Excused

Alsup.	Kayton.
Bedford.	Kyle of Hays.
Calvert.	Palmer.
Few.	Steward.
Holloway.	Stubbeman.
Johnson	Tillery.
of Dimmit.	

The Speaker then laid House Bill No. 94 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson.	Coombes.
Aikin.	Cowley.
Anderson.	Davidson.
Baker.	Dean.
Barrett.	Dunlap.
Barron.	Dunagan.
Beck.	Duvall.
Bourne.	Engelhard.
Bradley.	Fain.
Burns.	Fisher.
Butler.	Ford.
Canon.	Fuchs.
Cathey.	Glass.
Caven.	Golson.
Chastain.	Good.
Clayton.	Graves.
Colson.	Greathouse.

Griffith.	Patterson.
Hankamer.	Pavlica.
Harman.	Pope.
Harris.	Purveyer.
Head.	Ramsey.
Hester.	Ratliff.
Hill of Webb.	Reader.
Hodges.	Reed of Bowie.
Holekamp.	Reed of Dallas.
Holland.	Renfro.
Hoskins.	Riddle.
Huddleston.	Roberts.
Hughes.	Rogers of Hunt.
Hunt.	Rogers
Hyder.	of Ochiltree.
Jackson.	Rollins.
James.	Ross.
Jefferson.	Russell.
Johnson	Savage.
of Anderson.	Scarborough.
Jones of Atascosa.	Scott.
Jones of Runnels.	Shannon.
Kyle of Palo Pinto.	Shults.
Laird.	Smith.
Latham.	Stanfield.
Long.	Stinson.
Lotief.	Stovall.
Mackay.	Sullivant.
Magee.	Tarwater.
Mathis.	Tennyson.
McCullough.	Thomas.
McDougald.	Townsend.
Merritt.	Turlington.
Metcalfe.	Van Zandt.
Mitcham.	Vaughan.
Moffett.	Wagstaff.
Moore.	Walker.
Morrison.	Wells.
Morse.	Winningham.
Munson.	Wood.

Nays—3

Crossley.	Ray.
Lindsey.	

Absent

Alexander.	Jones of Shelby.
Camp.	Lemens.
Celaya.	Leonard.
Daniel.	McClain.
Devall.	McGregor.
Dwyer.	McKee.
Goodman.	Nicholson.
Harrison.	Parkhouse.
Hartzog.	Weinert.
Hicks.	Young.
Hill of Brazoria.	

Absent—Excused

Alsup.	Kayton.
Bedford.	Kyle of Hays.
Calvert.	Palmer.
Few.	Steward.
Holloway.	Stubbeman.
Johnson	Tillery.
of Dimmit.	

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Sullivant, Mr. Alexander, and Mr. Van Zandt:

H. B. No. 112, A bill to be entitled "An Act to amend Section 2, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 27, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Tillery, Mr. Holekamp, Mr. Alsup, Mr. Dwyer, Mr. Rogers of Hunt, and Mr. Huddleston:

H. B. No. 113, A bill to be entitled "An Act amending Article 7046, of the Revised Civil Statutes of the State of Texas for 1925, providing that a poll tax of one dollar (\$1) only, shall be collected on every person between the ages of 21 and 60 years, making certain exceptions; and declaring that no poll tax shall be levied for general revenue purposes, and that no county shall levy a poll tax, and providing where unorganized counties may pay, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Dwyer et al.:

H. B. No. 114, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State Board of Hairdressers and Cosmetologists for the licensing of persons, firms, co-partnerships, associations, or corporations to carry on and to teach such practices, to insure the better education of such practitioners, to provide rules regulating the proper conduct and sanitation of hairdressers and cosmetologists establishments and schools; for the protection of the public health, and to provide penalties for violation thereof; and providing for qualifications a hairdresser and cosmetologist shall possess in order to receive a certificate to practice hairdressing and cosmetology; providing who are exempt from the provisions of this Act; etc."

Referred to Committee on Public Health.

By Mr. Metcalfe, Mr. Jackson, and Mr. Hankamer:

H. B. No. 115, A bill to be entitled "An Act making an appropriation to reimburse growers and producers of cotton for expenses incurred during the years of 1929 through 1932, by reason of the establishment by the State of Texas of regulations requiring such growers and producers to pay for fumigation of cotton and sterilization of seed, and also to pay expenses of the Compensation Claim Board in carrying out the provisions of this Act; providing no claim shall be paid from this fund unless same has been allowed by the Compensation Claim Board, or by judgment as provided in Chapter 3, Title 4, Revised Civil Statutes of Texas of 1925, and as provided in Chapter 42, Acts of the Regular Session, Forty-first Legislature; etc., and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Clayton et al.:

H. B. No. 116, A bill to be entitled "An Act validating all issues of funding and refunding notes, bonds, warrants, time warrants, and treasury warrants heretofore issued or authorized to be issued and attempted to be issued by any and all cities in the State operating under charters adopted or amended under the provisions of Article XI, Section 5, of the Constitution of Texas, having a population in excess of one hundred thousand, according to the last preceding United States Census, issued and attempted to be issued under authority of House Bill No. 312, of the Forty-second Legislature; etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Thomas:

H. B. No. 117, A bill to be entitled "An Act amending Articles 2702, 2703, and 2724, of the Revised Civil Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

Referred to Committee on Education.

By Mr. Stubbeman et al.:

H. B. No. 118, A bill to be entitled "An Act amending Chapter 76, Acts of the Regular Session of the Forty-third Legislature, and providing for

the government of water power control districts and water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and governed by the provisions of Chapter 2, Title 128, Revised Civil Statutes and amendments thereto, and which include within their area or boundaries parts of several organized water improvement districts, and/or irrigation districts, and/or irrigation plants, or water plants not organized as defined districts, providing for changing the name of such district to include the name water power control districts, the extension of the boundaries thereof; etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Engelhard et al.:

H. B. No. 119, A bill to be entitled "An Act granting to the governing bodies of all cities, towns, and villages operating under Title 28, of the Revised Civil Statutes of Texas, of 1925, and amendments thereto, in addition to the powers they now have, the power to establish, or erect, or cause to be established, or erected warehouses and elevators for the storage of agricultural products, cold storage plants, abattoirs, and ice manufacturing plants; providing that the governing bodies of such cities, towns, and villages shall have the power to mortgage, encumber, and lease such properties, and the income thereof, and to issue revenue, bonds, notes, certificates, or other evidence of indebtedness to secure the payment of funds to purchase or erect; etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Bradley, Mr. Mathis, Mr. Morse, Mr. Moore, and Mr. Holland:

H. B. No. 120, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the Fourth Called Session of the Forty-first Legislature, and as further amended by Chapter 94, Section 1, of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Harman et al.:

H. B. No. 121, A bill to be entitled "An Act appropriating the sum of

\$1,200 for each of the two years beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Laird:

H. B. No. 122, A bill to be entitled "An Act to define, license, and regulate loan brokers in the amounts of five hundred dollars (\$500) or less; providing for a license fee; providing that application for licenses shall be in writing under oath; providing for the appointment of an agent to accept service in suits; providing for service on county judges in certain cases; providing for the filing of bond by the loan broker; declaring usurious contracts to be unlawful and void, both as to interest and principal; providing collection of double the amount of interest and attorney's fees; providing for joinder of signature of wife on certain contracts when given by a married man as a security for loan on wages or salary; providing for the keeping of records; providing for giving statements, exempting certain persons, associations, and corporations from this Act; etc., and declaring an emergency."

Referred to Committee on Judiciary.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 11, to the Committee on Privileges, Suffrage, and Elections.

Senate Bill No. 34, to the Committee on Counties.

TO GRANT J. P. FOTY PERMISSION TO SUE THE STATE

Mrs. Hughes offered the following resolution:

H. C. R. No. 24, To grant J. P. Foty permission to sue the State.

Whereas, J. P. Foty, an individual contractor, made and entered into certain contracts with the State Highway Commission for the construction of certain highways, or parts thereof, in Kerr and Kendall Counties, Texas, and by reason of the performance of such contracts by the said contractor, said projects have been completely finished, but the contractor has not received the amount of money claimed to be due to him thereunder; and

Whereas, Said contractor claims that he has not been paid in accordance with the amount of work done on such construction, and claims further that the amount actually claimed by him represents practically nothing but money invested by him in the completion of such project; and

Whereas, He is at the mercy of the Highway Department to accept the offer of compromise made by them, which he says is not fair to him and which he must accept unless the matters involved can be submitted to a court in the same manner as other parties settle their disputes; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said J. P. Foty, his heirs, assigns, and associates, be, and they are hereby, given the permission and consent of the Legislature of the State of Texas to file and prosecute, in separate or joint causes of action, suit or suits against the State of Texas and/or the Highway Commission of the State of Texas, in any court or courts of competent jurisdiction in Travis County, Texas, for money, or for any other relief which he or they may be entitled to by virtue of solicitations made for bids, representations made by the Highway Commission, or its employes or representatives, and/or on the contracts consummated thereon for the construction and/or other work done by said J. P. Foty and/or his associates in Kendall and Kerr Counties, Texas, known as Federal Aid Projects Nos. 631-C and D, State Highway No. 9, and State Aid Project No. 920-F, Highway No. 81, respectively, and also on any contracts or agreements, oral or written, supplementary, amendatory, or modificatory of said original contracts, or either of them, on the quantum meruit, and generally on any cause of action whatsoever relating to the construction of either or both of said projects or work done

thereon, and to recover any amounts justly due the said contractor, and any judgment or judgments recovered thereon shall be paid out of State Highway Funds, and sufficient funds to pay the same are hereby set aside for said purpose; be it further

Resolved, That in the event judgment is recovered against the State, an appeal may be taken from said judgment, as provided by law for other parties, and the State and Highway Commission shall not be required to execute any bonds; be it further

Resolved, That service in said cause shall be had by citing the Governor, Chairman of the Highway Commission, and the Attorney General, and said parties shall enter their appearance upon service being had upon them at the time required by law.

HUGHES,
ANDERSON.

The resolution was read second time, and, on motion of Mr. Anderson, was referred to the Committee on State Affairs.

ADJOURNMENT

Mr. Kyle of Palo Pinto moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Metcalfe moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Puryear moved that the House recess to 2 o'clock p. m., today.

Mr. Thomas moved that the House adjourn until 9 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Thomas, it was lost.

Question then recurring on the motion by Mr. Kyle of Palo Pinto, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Agriculture: House Bill No. 43.

Appropriations: House Bill No. 105.

Counties: House Bills Nos. 101, 93, 88, 120, and Senate Bill No. 34.

Education: House Bills Nos. 103, 102, and 106.

Judiciary: House Bills Nos. 90, 47, and 94.

Labor: House Bills Nos. 22, 98, and 99.

Municipal and Private Corporations: House Bills Nos. 91 and 108.

The Committee on Judiciary filed an adverse report, with a minority favorable report, on House Bill No. 4.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 2, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 52, "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species, for a period of five (5) years in Gaines County, Texas; fixing a penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

FOURTEENTH DAY

(Tuesday, October 3, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Chastain.
Adamson.	Clayton.
Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson.	Crossley.
Baker.	Daniel.
Barrett.	Davidson.
Barron.	Dean.
Beck.	Devall.
Bourne.	Dunlap.
Bradley.	Dunagan.
Burns.	Duvall.
Butler.	Dwyer.
Calvert.	Engelhard.
Camp.	Fain.
Canon.	Few.
Cathey.	Fisher.
Caven.	Ford.
Celaya.	Fuchs.